

IN THE UNITED STATE PATENT AND TRADEMARK OFFICE

#10  
PETITION  
w/ (i)  
Ans. (M)  
3/12/01

In Re Application Of: Wilde et al.

U.S. Pat. App. Ser. No.: 09/307,295

Filing Date: May 7, 1999

Art Unit: 3673

Examiner: Jong-Suk (James) Lee

Invention:

VARIABLE BUOYANCY BUOY FOR MOORING MOBILE  
OFFSHORE DRILLING UNITS

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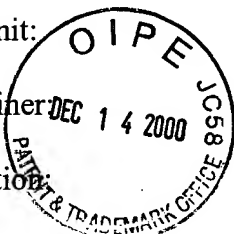
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OFFICE OF PETITIONS



Assistant Commissioner for Patents  
Washington, DC 20231

CERTIFICATE OF MAILING

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Kathryn D. Wooley

Printed or typed name of person signing certificate

*Kathryn D. Wooley*  
Signature

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12/14/00

PETITION TO WITHDRAW A HOLDING OF  
ABANDONMENT UNDER 37 C.F.R. § 1.181

Dear Sir:

Applicant hereby petitions the Commissioner to withdraw a holding of abandonment of the above-identified patent application under 37 C.F.R. § 1.181. A Notice of Abandonment for the above-identified application was received on November 21, 2000. According to the Notice of Abandonment, the application was abandoned in view of in view of applicant's failure to timely file a response to the Office letter mailed on April 11, 2000 and no response has been received. A copy of the Notice of Abandonment is attached.

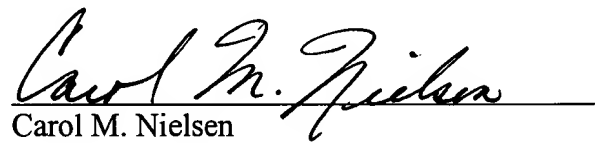
A response was mailed to the Office Action made final on April 11, 2000 by Applicant on July 11, 2000 after a telephone interview with the Examiner on June 13, 2000. A copy of the Interview Summary mailed June 16, 2000, and a copy of the response entitled *Amendment After Final* (including the Certificate of Mailing, and Return Postcard with OIPE Patent and Trademark Office date stamp) are attached to this petition.

Applicant respectfully submits that the response to the Office Action mailed April 11, 2000 was timely filed. Accordingly, Applicant respectfully requests this Petition be granted and the holding of abandonment be withdrawn in accordance to 37 C.F.R. § 1.181.

A fee of \$130.00 is also included with this petition pursuant to 37 C.F.R. § 1.17. However, should additional fees be required for any reason, the Commissioner is hereby authorized to charge Deposit Account No. 07-0153 for any additional fees that may be required.

Respectfully submitted,

GARDERE WYNNE SEWELL LLP



Carol M. Nielsen  
Registration No. 37,676

ATTORNEYS FOR APPLICANT

Dated: December 14, 2000

Gardere Wynne Sewell LLP  
Patent Section  
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[cnielsen@gardere.com](mailto:cnielsen@gardere.com)  
Attorney Docket No. 901033-1001



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

*MW*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/307,295	05/07/99	WILDE	G 901003-1001

DANIEL F PEREZ  
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PM92/0616

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EXAMINER

LEE, J

ART UNIT PAPER NUMBER

3673

DATE MAILED: 06/16/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

Commissioner of Patents and Trademarks

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**Interview Summary**



Application No.  
09/307,295

Applicant(s)  
Wilde et al.

Examiner  
Jong-Suk (James) Lee

Group Art Unit  
3673



All participants (applicant, applicant's representative, PTO personnel):

(1) Jong-Suk (James) Lee

(3) \_\_\_\_\_

(2) Mr. John Montgomery (Reg. No. 31,124)

(4) \_\_\_\_\_

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Date of Interview Jun 13, 2000

DEC 20 2000

Type: ☒ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).

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Exhibit shown or demonstration conducted: ☐ Yes ☒ No. If yes, brief description:

Agreement ☐ was reached. ☒ was not reached.

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Claim(s) discussed: 30 and 35

JAN 02 2001

Identification of prior art discussed:  
Corley (US 1,295,008)

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Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Applicant's attorney explained the distinctiveness of the invention over the prior art discussed is that the buoy having an (a plurality of ) auxiliary buoyant member(s) removably mountable on the frame to selectively change the buoyancy of the buoy. However, examiner respectfully disagreed by mentioning that the recitation for the selectively removably mountable buoyant members to the frame does not define over the corley reference insofar as it is not clarified whether the buoy has a variety of buoyancy while it is being utilized on site/ in operation, or being manufactured. Applicant notified to file formal amendment by clarifying the discussed issue.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. ☒ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. ☐ Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

EILEEN D. LILLIS  
SUPERVISORY PATENT EXAMINER

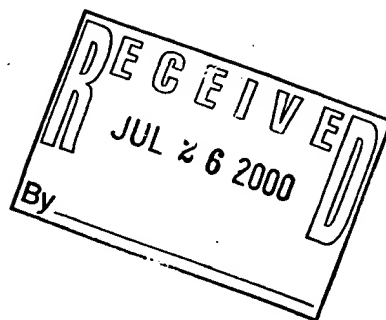
Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action. TECHNOLOGY CENTER 3600



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Attorney(s): JWM

Client/Matter#: 901033-1001

Title: Variable Buoyancy Buoy for Mooring Mobile Offshore Drilling Units

Inventor(s): Wilde et al.

Today's Date: 7/11/00 Due Date: 7/11/00

Filed with U. S. Patent Office on 5/7/99

Check Amount: \$

Serial/Patent No.: 09/307,295

APPLICATION FOR PATENT (Check all items that apply):

☐ Spec pages ☐ Claims

☐ Drawings ☒ 2 Sheets

☐ Declaration ☐ Oath ☐ Power

☐ Verified Statement

☐ Assignment

☐ Continuation ☐ Divisional

☐ CIP Application

☐ Preliminary Amendment

☐ Information Disclosure Statement

☐ Amendment

☐ Amendment Under Rule 1.312

☒ Amendment After Final

☐ Issue Fee Transmittal

☐ Letter

☐ Notice of Appeal

☐ Brief

☐ Patent Maintenance Fee

☐ Petition:

☐ Response

☐ Status Request

☐ Other: \_\_\_\_\_

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PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application Of: Wilde et al.

Serial No.: 09/305,295 <sup>7</sup>

Filed: 05/07/99

Art Unit: 3673

Examiner: J. Lee

For: VARIABLE BUOYANCY BUOY FOR MOORING MOBILE  
OFFSHORE DRILLING UNITS

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Box Non-Fee Amendment  
Honorable Assistant Commissioner  
for Patents  
Washington, D.C. 20231

CERTIFICATE OF MAILING

I hereby certify that this paper or fee is being deposited with the US Postal Service as first class mail in an envelope addressed to the Honorable Assistant Commissioner for Patents, Washington, DC 20231, on:

11 July 2000

Date

*John W. Montgomery*  
John W. Montgomery

Dear Sir:

AMENDMENT AFTER FINAL

This is in response to the Office Action mailed 04/11/00, in which Claims 30-41 were pending, Claims 30-41 were rejected and the Action was made final. Applicant notes with appreciation the Examiner's careful review of Claim 40 and proposals for overcoming certain indefiniteness detected in Claim 40. Applicant also notes with appreciation the Examiner's beneficial suggestions during a telephone interview on 06/13/00. Appropriate corrections to incorporate such suggestions are set forth below.

Application Entitled: VARIABLE BUOYANCY BUOY FOR MOORING MOBILE OFFSHORE  
DRILLING UNITS  
Serial No.: 09/305,205  
Filed: 05/07/99  
Applicant: Wilde et al.  
Docket No.: 901033-1001  
Amendment After Final  
Page 2

**In the Specification**

Page 11, line 17	Replace "buoy 58" with	-- buoy 54 --,
line 22	Replace "buoy 58" with	-- buoy 54 --.
Page 19, line 13	Replace "buoy 58" with	-- buoy 54 --,
line 16	Replace "buoy 58" with	-- buoy 54 --,
line 23	Replace "buoy 58" with	-- buoy 54 --.
Page 20, line 4	Replace "buoy 58" with	-- buoy 54 --.
Page 27, line 6	Replace "buoy 58" with	-- buoy 54 --,
line 10	Replace "buoy 58" with	-- buoy 54 --,
line 11	Replace "buoy 58" with	-- buoy 54 ---,
line 14	Replace "buoy 58" with	-- buoy 54 --.
Page 30, line 19	Replace "buoy 58" with	-- buoy 54 --.
Page 32, line 9	Replace "buoy 58" with	-- buoy 54 --.
Page 34, line 22	Replace "buoys 58" with	-- buoys 54 --.

Application Entitled: VARIABLE BUOYANCY BUOY FOR MOORING MOBILE OFFSHORE  
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Applicant: Wilde et al.  
Docket No.: 901033-1001  
**Amendment After Final**  
Page 3

### **In the Drawings**

In the drawings, Applicant has proposed corrections to Figures 10 and 12 to conform numbering to the specimen and to other drawings.

In Fig. 10, the reference number 58 is replaced with 54 to properly refer to "buoy 54." This amendment conforms Fig. 10 to Figs. 2 and 3 and related specification page 16, in which 54 refers to the variable buoyancy buoys and 58 refers to interconnecting mooring line 58. The specification has been corrected throughout so that erroneous references to "buoy 58" has been changed to correct references to -- buoy 54 --. To extent that Applicant was able to detect, any such misnumbered references to the variable buoyancy buoy 54 correction was made.

Fig. 12 has similarly been corrected, replacing reference to buoys 58 to the correct reference to buoys 54. No new matter has been added by these conforming amendments and no new search should be required pursuant to this amendment. Moreover, this amendment places the application in a better condition for allowance and/or a better condition for appeal. Entry of this amendment after final is deemed proper.

Drawings with proposed corrections in red ink are submitted herewith for consideration and review by the Official Draftsperson. In the event the application is passed to issue, formal corrected drawings will be submitted upon approval by the Official Draftsperson.



Application Entitled: VARIABLE BUOYANCY BUOY FOR MOORING MOBILE OFFSHORE  
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Serial No.: 09/305,205  
Filed: 05/07/99  
Applicant: Wilde et al.  
Docket No.: 901033-1001  
Amendment After Final  
Page 4

**In the Claims:**

Please amend the claims as follows:

30. (Twice amended) For use in a mooring line extending from the sea floor to the sea surface, a variable buoyancy buoy comprising:

a frame having first and second ends;

a first buoyancy member mounted on the frame;

a second buoyancy member removably mountable on the frame to selectively change the buoyancy of the buoy when being used onsite;

means for securing the second buoyancy member on the frame; and

means located at the first and second ends of the frame for securing the buoy in the mooring line.

31. (Twice amended) The variable buoyancy buoy according to Claim 30 further characterized by a plurality of second buoyancy members each removably mountable on the frame to selectively change the buoyancy of the buoy, and the means for securing the second buoyancy members in engagement with the frame.

33. (Amended) The variable buoyancy buoy according to Claim 32 wherein the frame includes a shaft extending through the first buoyancy member, a fixed plate comprising one end of the frame and secured to the shaft in engagement with the first buoyancy member, and a second plate comprising the opposite end of the frame and selectively engageable with the shaft for securing a selected number of the [variable] buoyancy members in engagement therewith.

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Docket No.: 901033-1001  
Amendment After Final  
Page 5

34. (Amended) The variable buoyancy buoy according to Claim 33 wherein the [retaining] securing means comprises a fastener extending through the second plate and the shaft for securing the second plate and the variable buoyancy members in engagement with the shaft.

35. (Twice amended) A variable buoyancy buoy comprising:  
a frame having first and second ends;  
a first plate securably mounted to the first end of the frame;  
a second plate selectively positionable along the frame between the first and second ends of the frame;  
a first buoyancy member mounted on the frame adjacent to the first plate; and  
a second buoyancy member removably mountable on the frame between the first buoyancy member and the second plate, whereby the second plate is selectively positioned along the frame proximate the second buoyancy member when being used in operation to change the buoyancy of the buoy.

40. (Amended)[The variable buoyancy buoy according to Claim 35] A variable buoyancy buoy comprising:  
a frame having first and second ends;  
a first plate securably mounted to the first end of the frame;  
a second plate selectively positionable along the frame between the first and second ends of the frame;  
a first buoyancy member mounted on the frame adjacent to the first plate; and

Application Entitled: VARIABLE BUOYANCY BUOY FOR MOORING MOBILE OFFSHORE  
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**Amendment After Final**  
Page 6

a second buoyancy member removably mountable on the frame between the first buoyancy member and the second plate, whereby the second plate is positioned along the frame proximate the second buoyancy member[.], wherein the frame further comprises a shaft [includes] including a plurality of spaced apart holes along at least a portion of [the] a length of the shaft that receive a fastener extending through the second plate such that the second plate may be positioned in a plurality of locations along the shaft.

#### **Remarks**

It is respectfully submitted that the amendments set forth above are proper for entry into the application after the final rejection, as such amendments place the application in a condition for allowance or, in any event, in a better condition for appeal. It is further deemed that no new subject matter has been added, and no new search should be required by the amendments.

Entry of the amendment is respectfully requested and reconsideration and favorable action passing the application to issue based upon the amendments and remarks set forth herein are respectfully requested.

Applicant has amended the specification to conform the reference to "buoy 54" to be consistent throughout the application. Similar conforming amendments have been made in drawing Figs. 10 and 12.

Application Entitled: VARIABLE BUOYANCY BUOY FOR MOORING MOBILE OFFSHORE  
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Serial No.: 09/305,205  
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Applicant: Wilde et al.  
Docket No.: 901033-1001  
**Amendment After Final**  
Page 7

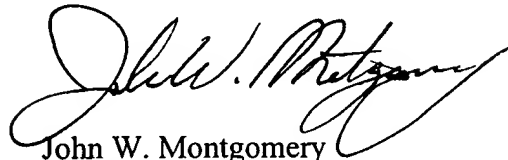
Applicant notes with appreciation that allowable subject matter was previously found in Claim 40. Claim 40 was considered allowable provided certain rejections under Section 112 were overcome and provided all the limitations of the base claim and any intervening claims were added. Claim 40 has been amended to overcome the 112 rejection to add limitations of the base Claim 35 (there were no intervening claims) and it is respectfully submitted Claim 40, as amended) is in a condition for allowance, as indicated by the Examiner in the prior Office Action.

Independent Claims 30 and 35 have been amended as suggested by the Examiner during the telephone interview to more clearly set forth the invention as one that has variable buoyancy when in use onsite through removable mounting of buoyancy members to selectively change the buoyancy. Thus, the concept of "removably mounted" distinguishes over the buoyancy plates of the Corley reference that are permanently affixed at the time of manufacture of the buoy. No new matter has been added and no new search should be required by this amendment.

Please charge any underpayment, or credit any overpayment, to Deposit Account No. 070153 of Gardere & Wynne, L.L.P.

Application Entitled: VARIABLE BUOYANCY BUOY FOR MOORING MOBILE OFFSHORE  
DRILLING UNITS  
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Amendment After Final  
Page 8

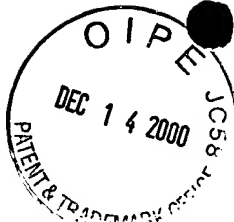
Respectfully submitted,



John W. Montgomery  
Attorney for Applicant  
Registration No. 31,124  
713-276-5941

GARDERE & WYNNE, L.L.P.  
1601 Elm Street, Suite 3000  
Dallas, Texas 75201-4761

Date: 11 July 2000



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/307,295

05/07/99

WILDE

G

901033-1001

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1601 ELM STREET  
DALLAS TX 75201-4762

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EXAMINER

LEE, J

ART UNIT

PAPER NUMBER

3673

DATE MAILED:

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Commissioner of Patents and Trademarks

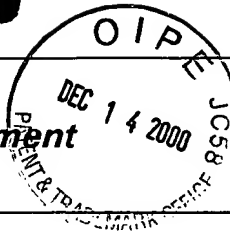
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**GARDERE WYNNE SEWELL LLP**  
**NOV 27 2000**

**Notice of Abandonment**



Application No.  
**09/307,295**

Applicant(s)

**Wilde et al.**

Examiner  
**Jong-Suk (James) Lee**

Group Art Unit  
**3679**

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This application is abandoned in view of:

**JAN 02 2001**

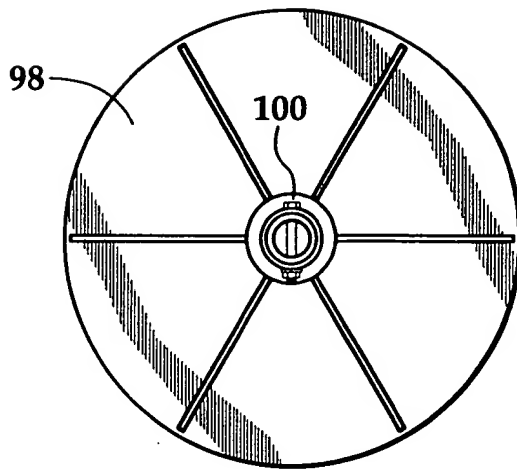
- ☒ applicant's failure to timely file a proper response to the Office letter mailed on Apr 11, 2000 .
- ☐ A response (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_, which is after the expiration of the period for response (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed response was received on \_\_\_\_\_, but it does not constitute a proper response to the final rejection.
- (A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC)).
- ☒ No response has been received.
- ☐ applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
- ☐ The issue fee (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_.
- ☐ The submitted issue fee of \$\_\_\_\_\_ is insufficient. The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_.
- ☐ The issue fee has not been received.
- ☐ applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
- ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of \_\_\_\_\_) were received on \_\_\_\_\_.
- ☐ The proposed new formal drawings filed \_\_\_\_\_ are not acceptable.
- ☐ No proposed new formal drawings have been received.
- ☐ the express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on \_\_\_\_\_.
- ☐ the letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ the letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ the decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ the reason(s) below:

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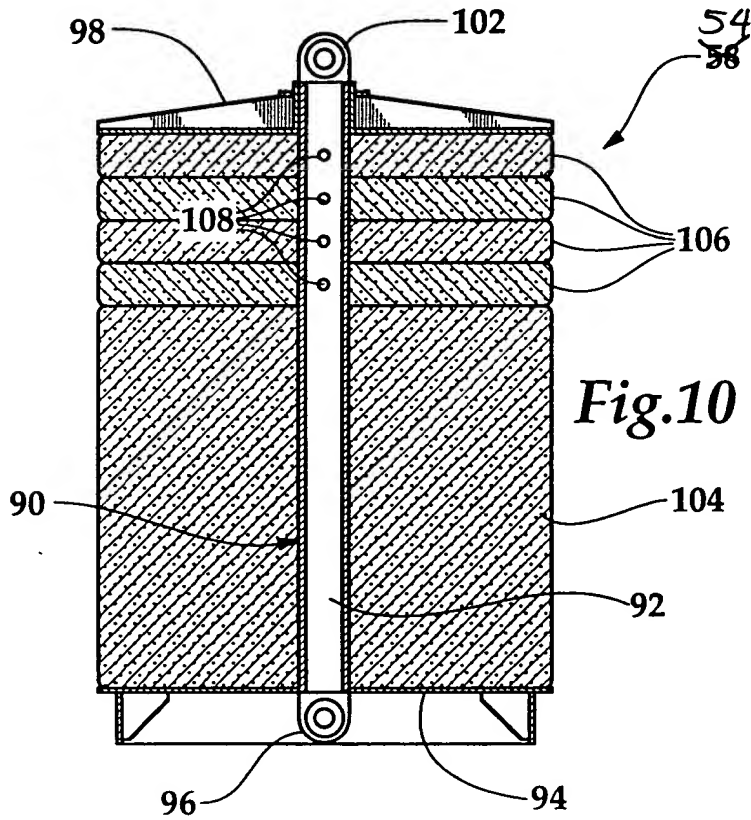
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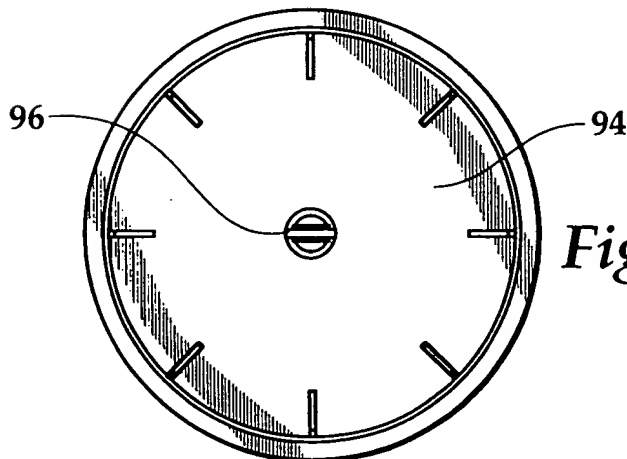
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**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**



**Fig. 9**



**Fig. 10**



**Fig. 11**



